

REMARKS/ARGUMENTS

Claims 45-51, 53-58 and new Claims 62-65, are pending in this Application per this Amendment. In the Office Action mailed on April 15, 2004, the Examiner, *inter alia*:

- 1) rejected Claims 45-61 under the doctrine of double patenting over Claims 1-14 of U.S. Patent No. 6,626,226 (“the ‘226 patent”);
- 2) rejected Claims 45-61 under the doctrine of double patenting over Claims 1-44 of U.S. Patent No. 6,328,091 (“the ‘091 patent”);
- 3) rejected Claims 45-51 and 53-58 under 35 U.S.C §102(e) as anticipated by U.S. Patent No. 5,992,497 to *Jaehnen et al.* (the “Jaehnen reference”); and
- 4) indicated that Claims 52, 59, 60 and 61 are allowable.

Applicant respectfully addresses the above-listed items below.

Rejections under the doctrine of double patenting:

In the Office Action, the Examiner rejected Claims 45-61 under the doctrine of double patenting over Claims 1-14 of the ‘226 patent and Claims 1-44 of the ‘091 patent. Applicant submits herewith Terminal Disclaimers, together with the requisite fees, disclaiming any part of the term of a patent issuing on the present Application which would exceed the terms of the ‘226 patent and the ‘091 patent, respectively.

Rejection under §102(e) as anticipated by the Jaehnen reference:

In the Office Action, the Examiner rejected Claims 45-51 and 53-58 under § 102(e) as being anticipated by the Jaehnen reference. Specifically, the Examiner states that the Jaehnen reference:

set[s] forth the method of assembling a sectional door including panels with the tracks and moving them towards each other to connect them by registering hinge pins with the pin receiving bores.

Applicant respectfully submits that the Jaehnen reference fails to disclose each and every element of Claims 45-51 and 53-58 as now presented for the reasons stated below and such claims are thus not anticipated by the Jaehnen reference.

Claim 45:

With regard to Claim 45, the Jaehnen reference discloses a hinge mount provided to *slidably receive and support a portion of a living hinge*. The Jaehnen reference also discloses that the living hinges are located at the joints between adjacent door panels and are *supported by pairs of hinge mounts* at adjacent ends of the door stiles. However, the configuration of the hinge mounts and the living hinges of Jaehnen is such that Jaehnen cannot place adjacent panels between the door guide tracks and then move one panel with respect to the other in a direction generally parallel to the guide tracks to connect the hinge parts, as now required by Claim 45. Reconsideration for allowance of Claim 45, as amended, is respectfully requested.

Claims 46-51, 53 and 54:

Claims 46-51, 53 and 54 remain dependent on Claim 45 and are believed to be allowable for the reasons set forth in support of amended Claim 45.

Claim 55:

With regard to Claim 55, this claim has been amended as to formal matters only. Applicant respectfully submits that the Jaehnen reference fails to anticipate Claim 55. Jaehnen discloses a hinge mount provided to *slidably* receive and support a portion of a *living hinge* with the hinge mount. The Jaehnen reference also discloses that the living hinges are located at the joints between adjacent door panels and are *supported by pairs of hinge mounts* at adjacent ends of the door stiles. However, Jaehnen fails to disclose pin retainers that are displaceable by hinge pins on the other hinge part and a method of assembling a sectional upward acting door “including plural *hinge assemblies* including, respectively, *opposed hinge plates* connected to upper and lower edges of adjacent panels, respectively, one of said hinge plates including a *hinge pin part* and the other of said hinge plates including a *pin receiving bore* and a *pin retainer* adjacent to said pin receiving bore... and moving said panels toward each other to connect said panels by *displacing said retainers with said pins*, respectively, as required by Claim 55. Reconsideration for allowance of Claim 55, as amended, is respectfully requested.

Claim 56:

Claim 56 remains dependent on Claim 55 and is believed to be allowable for the reasons set forth in support of Claim 55.

Claim 57:

With regard to Claim 57, Applicant respectfully submits that Jaehnen fails to anticipate this claim as amended herein. Jaehnen discloses a hinge mount provided to *slidably* receive and support a portion of a *living hinge* with the hinge mount. The Jaehnen reference also discloses that the living hinges are located at the joints between adjacent door panels and are *supported by pairs of*

hinge mounts at adjacent ends of the door stiles. However, the configuration of the hinge mounts and the living hinges is such that the Jaehnen reference cannot place adjacent panels between the door guide tracks and then move one panel with respect to the other in a direction generally parallel to the guide tracks to connect the hinge parts as now required by Claim 57. Reconsideration for allowance of Claim 57, as amended, is respectfully requested.

Claim 58:

Claim 58 remains dependent on Claim 57 and is believed to be allowable for the reasons set forth in support of Claim 57.

Claims 52, 59, 60 and 61:

In the Office Action, the Examiner indicated that Claims 52, 59, 60 and 61 are allowable. Applicant has rewritten Claims 52, 59, 60 and 61 as new Claims 62, 63, 64 and 65, respectively, including the recitation and limitations of all intervening claims, respectively. Accordingly, Applicant requests favorable consideration for allowance of Claims 62, 63, 64 and 65.

In light of the remarks and arguments presented above, Applicant respectfully submits that the claims pending in the Application per this Amendment are in condition for allowance. Favorable consideration for allowance of Claims 45-51, 53-58 and 62-65 is respectfully requested.

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Respectfully submitted,
GARDERE WYNNE SEWELL LLP

Michael E. Martin
Michael E. Martin
Registration No. 24,821
AGENT FOR APPLICANT

1601 Elm Street, Suite 3000
Dallas, Texas 75201-4761
Phone: (214) 999-4052
Facsimile: (214) 999-3623